

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANCIS R. LOMBARDO,	:	CIVIL ACTION NO. 1:06-CV-1934
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA BOARD OF	:	
PROBATION & PAROLE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 20th day of March, 2007, upon consideration of *pro se* plaintiff's motion to dismiss (Doc. 15), and it appearing that defendants have not served an answer nor a motion for summary judgment, see FED. R. CIV. P. 41(a)(1) ("[A]n action may be dismissed by the plaintiff . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment . . ."), it is hereby ORDERED that:

1. The motion to dismiss (Doc. 15) is GRANTED. See FED. R. CIV. P. 41(a)(1).
2. The complaint (Doc. 1) is DISMISSED without prejudice.
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge